

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re )  
Robert Dennis-Kulak, )  
 ) Bankruptcy No. 15-30677  
 )  
Debtor. ) Chapter 7

COVER SHEET FOR APPLICATION FOR PROFESSIONAL COMPENSATION  
(IN CASES UNDER CHAPTERS 7, 11 AND 12)

Name of Applicant: Fox Swibel Levin & Carroll LLP

Authorized to Provide Professional Services to: N. Neville Reid, as chapter 7 trustee

Date of Order Authorizing Employment: November 7, 2017, retroactive to November 29, 2016

Period for Which Compensation is Sought:  
From November 29, 2016 through October 8, 2017

Amount of Fees Sought: \$ 8,733.50

Amount of Expense Reimbursement Sought: \$ 0.00

This is an: Interim Application \_\_\_\_\_ Final Application ✓

If this is *not* the first application filed herein by this professional, disclose as to all prior fee applications:

<u>Date</u> <u>Filed</u>	<u>Period</u> <u>Covered</u>	<u>Total Requested</u> <u>(Fees &amp; Expenses)</u>	<u>Total Allowed</u> <u>(Fees &amp; Expenses)</u>	<u>Fees &amp; Expenses</u> <u>Previously Paid</u>
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Dated: \_\_\_\_\_

/s/ N. Neville Reid  
(Counsel)

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:	)	Chapter 7
	)	Case No. 15-30677
ROBERT DENNIS-KULAK,	)	
	)	Hon. Jack B. Schmetterer
Debtor.	)	
	)	<b>Date: December 29, 2017</b>
	)	<b>Time: 10:30 a.m.</b>

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**NOTICE OF FIRST AND FINAL APPLICATION OF FOX SWIBEL LEVIN &  
CARROLL LLP, FOR AN ORDER (I) ALLOWING AN ADMINISTRATIVE CLAIM  
FOR COMPENSATION FOR THE PERIOD NOVEMBER 29, 2016 THROUGH  
NOVEMBER 23, 2017; (II) AUTHORIZING PAYMENT OF UNPAID FEES; AND (III)  
SHORTENING AND LIMITING NOTICE**

PLEASE TAKE NOTICE that on **Friday, December 29, 2017, at 10:30 a.m.**, or as soon thereafter as counsel may be heard, we shall appear before the Honorable Jack B. Schmetterer, or any judge sitting in his stead, in Courtroom 682, in the United States Bankruptcy Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois, and present the **First and Final Application of Fox Swibel Levin & Carroll LLP, for an Order (i) Allowing an Administrative Claim for Compensation for the Period November 29, 2016 Through November 23, 2017, (ii) Authorizing Payment of Unpaid Fees and (iii) Shortening and Limiting Notice**, at which time and place you may appear as you see fit.

Dated: December 15, 2017

**N. NEVILLE REID, not individually, but  
solely in his capacity as the chapter 7 trustee  
for the bankruptcy estate of ROBERT  
DENNIS-KULAK,**

By: /s/ N. Neville Reid  
Fox, Swibel, Levin & Carroll, LLP,  
as Proposed General Bankruptcy Counsel to  
the Trustee

N. Neville Reid (ARDC #6195837)  
Brian J. Wilson (ARDC #6294099)  
**FOX, SWIBEL, LEVIN & CARROLL, LLP**

200 West Madison Street, Suite 3000  
Chicago, IL 60606  
Ph: 312.224.1200  
Fax: 312.224.1201

**CERTIFICATE OF SERVICE**

I, N. Neville Reid, certify that on December 15, 2017, I caused a copy of the foregoing **First and Final Application of Fox Swibel Levin & Carroll LLP, for an Order (i) Allowing an Administrative Claim for Compensation for the Period November 29, 2016 Through November 23, 2017, (ii) Authorizing Payment of Unpaid Fees and (iii) Shortening and Limiting Notice**, to be filed electronically through the Court's ECF filing system and to be served electronically upon all parties listed on the attached Service List through the Court's ECF filing system or via email, as indicated.

/s/ N. Neville Reid

N. Neville Reid

**SERVICE LIST**

**Parties to receive notice electronically via CM/ECF:**

Patrick S Layng  
[USTPRegion11.ES.ECF@usdoj.gov](mailto:USTPRegion11.ES.ECF@usdoj.gov)

JONATHAN PETERSEN, attorney for the Debtor  
[bk@attorneypetersen.com](mailto:bk@attorneypetersen.com)

Caroline Hasten  
[coconnell@trunkettlawpc.com](mailto:coconnell@trunkettlawpc.com)

Ronald J. Kapustka  
[ndaily@ksnlaw.com](mailto:ndaily@ksnlaw.com)

Kimberly Bacher  
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Ha M Nguyen  
[ha.nguyen@usdoj.gov](mailto:ha.nguyen@usdoj.gov)

Kathryn Gleason  
[USTPRegion11.es.ecf@usdoj.gov](mailto:USTPRegion11.es.ecf@usdoj.gov)

**Party to receive notice via postage-prepaid first class U.S. mail:**

ROBERT DENNIS-KULAK  
3362 ANN STREET  
LANSING, IL 60438

Cavalry Investments, LLC  
500 Summit Lake Drive  
Suite 400  
Valhalla, NY 10595

Cavalry SPV I, LLC  
500 Summit Lake Drive  
Suite 400  
Valhalla, NY 10595

Navient Solutions  
220 Lasley Ave.  
Wilkes-Barre, PA 18706

Chicago Patrolmen's Federal Credit Union  
Trunkett & Trunkett PC  
20 N. Wacker  
Suite 1434  
Chicago, IL 60606

Capital One, N.A.  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern, PA 19355-0701

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:	)	Chapter 7
	)	Case No. 15-30677
ROBERT DENNIS-KULAK,	)	
	)	Hon. Jack B. Schmetterer
Debtor.	)	
	)	<b>Hearing Date: December 29, 2017</b>
	)	<b>Hearing Time: 10:30 a.m.</b>

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**FIRST AND FINAL APPLICATION OF FOX SWIBEL LEVIN & CARROLL LLP, FOR  
AN ORDER (I) ALLOWING AN ADMINISTRATIVE CLAIM FOR COMPENSATION  
FOR THE PERIOD NOVEMBER 29, 2016 THROUGH NOVEMBER 13, 2017;  
(II) AUTHORIZING PAYMENT OF UNPAID FEES AND (III) SHORTENING AND  
LIMITING NOTICE**

Fox Swibel Levin & Carroll LLP (“FSLC”), general bankruptcy counsel to N. Neville Reid, not individually, but solely in his capacity as the chapter 7 trustee (the “Trustee”) for the bankruptcy estate (the “Estate”) of Robert Dennis-Kulak (the “Debtor”), files this application (“Application”) for an order (i) allowing an administrative claim for compensation consisting of fees in the amount of \$8,733.50 (the “Requested Compensation”) incurred during the period of November 29, 2016 through November 13, 2017 (the “Application Period”); (ii) authorizing the Trustee to pay the Requested Compensation at this time and (iii) shortening and limiting notice hereof. For its Application, FSLC respectfully states the following:

**INTRODUCTION**

1. This Court has jurisdiction over the Application pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of § 157(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The bases for the requested relief are Sections 328, 330, and 331 of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy

Procedure (the “Bankruptcy Rules”), and Rule 5082-1 of the Local Rules of the United States Bankruptcy Court for the Northern District of Illinois (the “Local Rules”).

### **BACKGROUND**

3. On September 8, 2015 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Illinois (the “Court”). Shortly thereafter, N. Neville Reid was appointed as chapter 7 trustee for the Debtor’s Estate.

4. After finding no assets, the Trustee filed a Report of No Distribution in this case on October 27, 2015, but subsequent information brought to the Trustee’s attention by the United States Trustee’s Office regarding substantial undisclosed assets resulted in the entry of an order reopening the case and again appointing N. Neville Reid as the Trustee for the Estate on November 29, 2016.

5. On November 7, 2017, the Court entered orders (i) granting the Trustee’s application to retain FSLC as general bankruptcy counsel retroactive to November 29, 2016 [Dkt. 45], and (ii) approving a settlement between the Trustee and the Debtor pursuant to Bankruptcy Rule 9019(a) whereby the Debtor agreed to pay the Estate a one-time lump sum payment of \$20,000 (the “Settlement Agreement”) to resolve the dispute surrounding the exact amount of funds in various undisclosed Chase Bank checking and savings accounts the Debtor jointly owned with his spouse (the “Undisclosed Accounts”) that belong to the Estate [Dkt. 46].

### **REQUESTED RELIEF**

6. FSLC files this Application to be allowed an administrative claim in the amount of the Requested Compensation.

7. Attached as Exhibit A to this Application is a schedule of the name and position



of each attorney and paralegal who has performed work for the Trustee for which reimbursement is sought, the number of hours billed by each professional and his/her hourly billing rate, as well as the year each attorney graduated from law school and was admitted to practice in Illinois.

8. Attached as Exhibit B to this Application are the detailed chronological FSLC time entries by task, describing the actual, necessary services rendered and time expended for work performed on behalf of the Trustee during the Application Period, consisting of the following categories: (B-1) General Case Administration, (B-2) Professional Retention, (B-3) Fee Application, (B-4) Avoidance Action Discovery, (B-5) Avoidance Action Trial Litigation, and (B-6) Asset Investigation.

**PROFESSIONAL SERVICES RENDERED**

9. During the Application Period, and more specifically delineated on Exhibit B hereto, FSLC has performed the following services on behalf of the Trustee:

A. General Case Administration. FSLC performed various miscellaneous tasks that facilitated the Trustee's ability to finalize the Settlement Agreement.

[The tasks in this category account for \$1,286.00, or 6.0 hours of the Requested Compensation.]

B. Professional Retention. FSLC prepared and filed the Trustee's Application to Employ Fox Swibel Levin & Carroll LLP, as General Bankruptcy Counsel Retroactive to November 29, 2016 [Dkt. 45].

[The tasks in this category account for \$105.00, or 0.5 hours of the Requested Compensation.]

- C. Fee Application. FSLC prepared this First and Final Application of Fox Swibel Levin & Carroll LLP, for an Order (I) Allowing an Administrative Claim for Compensation for the Period September 16, 2016 Through October 8, , 2017; and (II) Authorizing Payment of Unpaid Fees.

[The tasks in this category account for \$1,585.50, or 7.1 hours of the Requested Compensation.]

- D. Avoidance Action Discovery. FSLC tracked the Debtor's financial transfers related to the Undisclosed Accounts leading up to the bankruptcy filing.

[The tasks in this category account for \$112.50, or 0.3 hours of the Requested Compensation.]

- E. Avoidance Action Trial Litigation. FSLC prepared Trustee's Motion for an Order (A) Approving a Settlement between the Trustee and Robert Dennis-Kulak Pursuant to Bankruptcy Rule 9019(a) and (B) Limiting Notice [Dkt. 46].

[The tasks in this category account for \$1,350.00, or 3.6 hours of the Requested Compensation.]

- F. Asset Investigation. FSLC investigated the Undisclosed Accounts and negotiated the terms of the Settlement Agreement related to those Undisclosed Accounts.

[The tasks in this category account for \$4,294.50, or 14.4 hours of the Requested Compensation.]

#### **APPROPRIATENESS OF FEES**

10. The professional services provided by FSLC to the Trustee during the Application Period were necessary and appropriate to assist the Trustee with the administration of the Debtor's case, and were in the best interests of the Estate. Compensation for the services provided by FSLC is commensurate with the complexity, importance, and nature of the problems, issues and tasks involved. FSLC undertook all reasonable efforts to ensure that the services it provided were performed in an efficient manner, without duplication of effort.

11. FSLC's fees are recorded in a computerized time record system, from which the billing records attached to this Application were generated. FSLC has reviewed the billing records to ensure their accuracy.

12. FSLC's billing rates for the matters set forth in this Application are consistent with reasonable and customary rates among attorneys and paralegals for the work performed.

13. FSLC's requested fees are awardable pursuant to Section 330 of the Bankruptcy

Code as reasonable and necessary expenses incurred for the administration of the Estate.

**NOTICE**

14. Pursuant to Bankruptcy Rule 2002, notice of this Application has been given to: (a) the Debtor; (b) the Debtor's counsel; (c) the United States Trustee for the Northern District of Illinois; (d) all creditors who filed a proof of claim in the case; and (e) all other parties set up to receive notice through the Court's ECF filing system. As to creditors, and to save costs for the Estate, the Trustee requests that, pursuant to Bankruptcy Rule 2002(h), the court limit notice of this application to creditors who have filed a proof of claim in the case. No incremental prejudice will result to any other creditor who did not file a proof of claim since such creditors are not entitled to a distribution in this case. The Trustee further requests that the twenty-one (21) day notice period under Rule 2002 for fee applications be shortened to the fourteen (14) day notice period being provided herein, in order to allow creditors of the estate and the administrative claimants herein to receive their distributions in 2017 and close out their books accordingly. As this is a small and uncomplicated case, the Trustee asserts that creditors will easily be able to review the relevant issues herein without the need for further notice. In light of the nature of the relief requested, the Trustee submits that no further notice is required.

WHEREFORE, FSLC requests entry of an order (i) allowing an administrative claim for compensation consisting of fees in the amount of \$8,733.50 incurred during the Application Period; (ii) authorizing the Trustee to pay the Requested Compensation and approving notice hereof; and (iii) providing such other and further relief as is proper and just.

Dated: December 15, 2017

Respectfully submitted,

**FOX SWIBEL LEVIN & CARROLL LLP**

By: /s/ N. Neville Reid  
Fox Swibel Levin & Carroll LLP,  
General Bankruptcy Counsel to the Trustee

N. Neville Reid (ARDC #6195837)  
Ryan T. Schultz (ARDC #6288585)  
Brian J. Wilson (ARDC #6294099)  
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